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10 Affirmation: This document does
11 not contain the social security
12 number of any person.

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.

BOARD OF DIRECTORS OF THE
TRUCKEE-CARSON IRRIGATION
DISTRICT, individually, and as
Representatives of the Class of all Water
User in the Newlands Reclamation
Project, *et al.*, and the TRUCKEE-
CARSON IRRIGATION DISTRICT,

Defendants.

CASE NO. CV-N-95-757-RCJ

MOTION AND PROPOSED ORDER
TO WITHDRAW

Pursuant to Local Rule IA 11-6, Joshua Osborne-Klein, who has appeared in this case on behalf of intervenor Fallon Paiute-Shoshone Tribe (FPST), respectfully moves the Court for an order permitting him to withdraw as counsel for FPST in the above-captioned matter.

1 This Motion is made and based upon the Memorandum of Points and Authorities
2 submitted herein and the Declaration of Joshua Osborne-Klein attached hereto.

3 Dated this 20th day of August, 2018.

4 Respectfully submitted,

5 ZIONTZ CHESTNUT

6
7 /s/ Joshua Osborne-Klein

8 Joshua Osborne-Klein

9 Attorney for Fallon Paiute Shoshone

Indian Tribe

10 MEMORANDUM OF POINTS AND AUTHORITIES

11 Mr. Osborne-Klein will be taking a hiatus from the practice of law, effective September
12 1, 2018, and accordingly seeks leave to withdraw from this case.

13 The Local Rule IA 11-6 (b) provides that “[n]o attorney may withdraw after appearing
14 in a case except by leave of the court after notice served on the affected client and opposing
15 counsel.” Mr. Osborne-Klein has provided FPST with notice of his intent to withdraw from
16 this case. Additionally, all other counsel in this case will receive notice of this Motion to
17 Withdraw as described in the certificate of service attached herein.

18 Local Rule IA 11-6 (e) also provides that “no withdrawal . . . will be approved if it will
19 result in delay of discovery, the trial, or any hearing in the case.” Here, no delay of any kind
20 will result from Mr. Osborne-Klein’s withdrawal because FPST will continue to be represented
21 in this matter by Mr. Osborne-Klein’s colleague, Marc Slonim, who previously appeared
22 before this Court on behalf of FPST and has full knowledge of the issues in this case. FPST
23 will also continue to be represented by its local counsel of record, Gordon DePaoli.

1 Accordingly, Mr. Osborne-Klein's withdrawal will not prejudice either party or delay any
2 proceeding in this matter.

3 CONCLUSION

4 For the reasons set forth above, Mr. Osborne-Klein respectfully moves this Court enter
5 an Order approving the withdrawal of Mr. Osborne-Klein as a representing attorney for FPST
6 in the above-captioned case.

7 Dated this 20th day of August, 2018.

8 ZIONTZ CHESTNUT

9 /s/ Joshua Osborne-Klein

10 Joshua Osborne-Klein
11 Attorney for Fallon Paiute Shoshone
Indian Tribe

12 **IT IS SO ORDERED:**

13 

14 **UNITED STATES DISTRICT JUDGE**

15 **DATED:** September 24, 2018

CERTIFICATE OF SERVICE

I hereby certify that on August 20, 2018, the foregoing Motion and Proposed Order to Withdraw was served via the United States District Court's CM/ECF system, which will send notification of such filing to all parties or persons requesting notice.

I further certify that on August 20, 2018, a copy of the foregoing Motion and Proposed Order to Withdraw was served via U.S. Mail, postage prepaid to the following:

Frey Ranch Partnership Family Trust 1045 Dodge Lane Fallon, NV 89406-9280	Robert S. Pelcyger Fredericks, Pelcyger & Hester 1900 Plaza Drive Louisville, CO 80027
Peraldo Brothers A Nevada General Partnership 4305 Peraldo Lane Fallon, NV 89406	Frey Ranch Partnership Family Trust 1045 Dodge Lane Fallon, NV 89406-9280
Ali Shahroody pro hac vice Stetson Engineers 2171 E. Francisco Blvd., Ste. K San Rafael, CA 94901	Arthur W. IV Bell Trustee Of The Bell Family Trust 6655 Reno Hwy Fallon, NV 89406
Debra S. Frey 1045 Dodge Lane Fallon, NV 89406-9280	Francis E., III DuBois 250 Bench Blvd. Fallon, NV 89406
Joyce Lohr 6425 Mission Rd. P. O. Box 1062 Fallon, NV 89406	Charles P. Frey, Jr. Family Trust 1045 Dodge Lane Fallon, NV 89406-9280
Frey Norman 3975 Reno Highway Fallon, NV 89406	Ray Conlan 1255 Bench Road Fallon, NV 89406
Robert D Stitser P.O. Box 6627 Reno, NV 89513	

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1 Dated this 20th day of August, 2018.

2 ZIONTZ CHESTNUT

3 /s/ Laura Bartholet

4 Laura Bartholet, Paralegal

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